

District Judge Kymberly K. Evanson

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HYUNG SOON YANG, *et al.*,

Plaintiffs,

v.

ALEJANDRO MAYORKAS,

Defendant.

Case No. 2:24-cv-00066-KKE

STIPULATED MOTION TO HOLD
CASE IN ABEYANCE AND ORDER

Plaintiffs and Defendants, by and through their counsel of record, pursuant to Federal Rule of Civil Procedure 6 and Local Rules 7(d)(1), 10(g) and 16, hereby jointly stipulate and move to stay these proceedings through July 1, 2024. Plaintiffs brought this case pursuant to the Administrative Procedure Act and Mandamus Act seeking an order compelling U.S. Citizenship and Immigration Services (“USCIS”) to complete processing of their Forms I-485, Applications to Register Permanent Residence or Adjust Status, and Plaintiff Hyung Soon Yang’s Form I-765, Application for Employment Authorization. Defendants’ response to the Complaint is due on April 1, 2024. For good cause, the parties request that this case be stayed through July 1, 2024.

1 Courts have “broad discretion” to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706
2 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to
3 control the disposition of the causes on its docket with economy of time and effort for itself, for
4 counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R.
5 Civ. P. 1.

6 With additional time, this litigation may be resolved in its entirety. On March 18, 2024,
7 USCIS reopened the Form I-140, Immigrant Petition for Alien Worker, filed on behalf of
8 Plaintiff Hyung Soon Yang, which had previously had its approval revoked. USCIS reopened
9 the Form I-140 to issue a Notice of Intent to Revoke (“NOIR”) to both the petitioner and
10 beneficiary so that Plaintiff Hyung Soon Yang has the opportunity to respond to the NOIR.
11 USCIS anticipates issuing the NOIR shortly. Plaintiff Hyung Soon Yang will have 30 days to
12 respond to the NOIR. USCIS will need additional time to review the response and act after it
13 receives the NOIR responses.

14 Because USCIS denied Plaintiffs’ Forms I-485 due to the revocation of the underlying
15 visa petition (Form I-140) approval, USCIS has reopened Plaintiffs’ Forms I-485 and restored
16 them to their previous pending status. USCIS cannot adjudicate the Forms I-485, as sought
17 through this litigation, until a decision on the Form I-140 revocation is issued.

18 Additional time is required to allow these processes to be completed. Therefore, the
19 parties believe good cause exists to stay this proceeding through July 1, 2024, to save the parties
20 and the Court from spending unnecessary time and judicial resources on this matter.
21 Accordingly, the parties jointly stipulate and request that the Court stay these proceedings
22 through July 1, 2024. The parties will submit a joint status report on or before July 1, 2024.

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24 //

1 DATED this 29th day of March, 2024.

2 Respectfully submitted,

3 TESSA M. GORMAN
United States Attorney

KAI LAW GROUP PS

4 s/Michelle R. Lambert

s/Ji Min Kim

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9 *Attorneys for Defendant*

Attorney for Plaintiffs

10 ***I certify that this memorandum contains 419***
11 ***words, in compliance with the Local Civil***
12 ***Rules.***

ORDER

The parties having stipulated and agreed, it is hereby so ORDERED that this case shall be stayed until at least July 1, 2024. The parties shall file a joint status report on or before July 1, 2024.

DATED this 1st day of April, 2024.

A handwritten signature in black ink, reading "Kimberly K. Evanson". The signature is written in a cursive style with a horizontal line underneath.

Kimberly K. Evanson
United States District Judge